

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
EASTERN DIVISION**

**GINGER DAYTON, an individual;**

)

)

**Plaintiffs,**

)

)

**vs.**

)

**Civil Action No.:**

)

**3:07CV599-MEF**

**STEVEN CHAD TAGGART, et al.;**

)

)

**Defendants.**

)

**PLAINTIFF'S INITIAL RESPONSE TO THE DEFENDANT'S OFFER OF JUDGMENT**

**COMES NOW** the Plaintiff, through counsel, and submits the following initial responses for the Defendant's offer of judgment:

1. A reading of FRCP 68 clearly indicates that the Defendant's offer of judgment incorrectly states that it is entitled to receive attorneys fees if the offer is not accepted within (10) ten days and the jury verdict is equal to or less than the offer of judgment. The Defendant cannot recover attorneys fees pursuant to an offer of judgment unless there is an applicable statute in the case which specifically define "costs" as attorneys fees.

2. This is an automobile accident case, and there are no statutes applicable to the case which define costs; therefore, under no circumstances should the Defendant be able to collect attorneys fees from the Plaintiff pursuant to its offer of judgment.

Respectfully submitted,

/s/ Richard F. Horsley  
**Richard F. Horsley**  
**Attorney for Plaintiff**

**OF COUNSEL:**

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**CERTIFICATE OF SERVICE**

\_\_\_\_\_ I hereby certify that I have served a copy of the above and foregoing Voir Dire Questions on all counsel of records listed below by placing a copy of same in the United States Mail, first class, postage pre-paid on this the 31<sup>st</sup> day July, 2008.

**/s/ Richard F. Horsley  
OF COUNSEL**

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